

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

FILED
FEB 23 2004
LUTHER B. ... Clerk
By: Deputy Clerk

IN RE: TRI-STATE
CREMATORY LITIGATION

MDL DOCKET NO. 1467

CAROL A. BECHTEL,
PAULA YOCKEL,
NAOMI WEBB,
THOMAS G. CONYERS,
LINDA HAMIL,
KATHI KELLY,
THOMAS EDKINS, MD,
RICHARD REID, and
JAMES SHIRLEY,
on behalf of themselves and others similarly
situated,

Plaintiffs,

Civil Action No.
4:02-CV-041-HLM
JURY DEMAND

v.

TRI-STATE CREMATORY, INC.,
T. RAY BRENT MARSH, individually
And f/d/b/a TRI-STATE CREMATORY,
CLARA C. MARSH,
RHAMES L. MARSH,
CLARA C. MARSH, as Administrator of
The Estate of TOMMY RAY MARSH,
Individually and f/d/b/a TRI-STATE
CREMATORY,
BOB FOSTER d/b/a FOSTER &
SON FUNERAL HOME
BURT FUNERAL HOMES, INC.,
CAGLE FUNERAL HOME, INC.
CUMBERLAND FUNERAL SERVICES,
INCORPORATED,
CUMBERLAND FUNERAL HOME,
CUMBERLAND FUNERAL HOME -

TRACY CITY, :
 CROX, WALTER, d/b/a COVENANT :
 FUNERAL SERVICE, :
 ERWIN PETTIT FUNERAL HOME, INC., :
 EWTON FUNERAL HOME, INC., :
 FAMILY MORTUARY, INC. :
 FOSTER, ROBERT and LAY, DEAN, d/b/a: :
 FOSTER & LAY FUNERAL HOME, :
 FRANKLIN-STRICKLAND FUNERAL :
 HOME, INC., :
 HAROLD B. GILMORE f/d/b/a :
 GILMORE FUNERAL HOME, :
 GILMORE FUNERAL HOME, LLC, :
 HARDWICK & SONS FUNERAL :
 HOME, INC., :
 HOUSE OF OVERSTREET :
 MORTUARY, INC., :
 J. AVERY BRYAN FUNERAL :
 HOME, INC., :
 JESSE JONES FUNERAL HOME, INC., :
 JULIAN PEEPLES MEMORIAL CHAPEL :
 INC., d/b/a JULIAN PEEPLES :
 FUNERAL HOME :
 KERBY FUNERAL HOME, INC., :
 KERBY FUNERAL HOME, LLC., :
 LAYNE FUNERAL HOME. INC., :
 LOVE FUNERAL HOME, INC., :
 PATTON'S FUNERAL HOME, :
 PEEPLES FUNERAL HOME, INC. :
 d/b/a PEEPLES FUNERAL HOME, :
 PINKARD & MEE FUNERAL SERVICE :
 INC., , :
 PRIME SUCCESSION, INC., :
 PRIME SUCCESSION HOLDINGS, INC. :
 PRIME SUCCESSION OF TENNESSEE, :
 INC., :
 BUCKNER-RUSH ENTERPRISES, INC., :
 PUTNAM FUNERAL HOME, INC. (THE), :
 R.D. MOORE FUNERAL HOME, INC., :
 R. DUDLEY BARTON & SON :

FUNERAL HOME, INC., :
 RYAN FUNERAL HOME, INC., :
 SCI ALABAMA FUNERAL SERVICES :
 INC., f/d/b/a KERBY FUNERAL HOME, :
 SCI GEORGIA FUNERAL SERVICES :
 INC., d/b/a J.D. HILL FUNERAL HOME, :
 SCI GEORGIA FUNERAL SERVICES :
 INC., d/b/a JENNINGS FUNERAL HOME, :
 SCI GEORGIA FUNERAL SERVICES :
 INC., d/b/a JENNINGS HERITAGE :
 CHAPEL FUNERAL HOME :
 SCI GEORGIA FUNERAL SERVICES :
 INC., d/b/a PARNICK JENNINGS :
 FUNERAL HOME, :
 SCI GEORGIA FUNERAL SERVICES :
 INC., f/d/b/a ERWIN PETTIT :
 FUNERAL HOME :
 SCI GEORGIA FUNERAL SERVICES :
 INC., f/d/b/a J. AVERY BRYAN OF :
 CHICKAMAUGA, :
 SCI GEORGIA FUNERAL SERVICES :
 INC., f/d/b/a KENEMER BROTHERS :
 FUNERAL HOME, :
 SCI GEORGIA FUNERAL SERVICES :
 INC., f/d/b/a WALLIS STEWART :
 FUNERAL HOME, :
 SCI TENNESSEE FUNERAL SERVICES :
 INC. d/b/a CHATTANOOGA FUNERAL :
 HOME-EAST CHAPEL, :
 SCI TENNESSEE FUNERAL SERVICES :
 INC. d/b/a CHATTANOOGA FUNERAL :
 HOME-NORTH CHAPEL, :
 SCI TENNESSEE FUNERAL SERVICES :
 INC. d/b/a CHATTANOOGA FUNERAL :
 HOME-VALLEY VIEW CHAPEL, :
 SCI TENNESSEE FUNERAL SERVICES :
 INC. d/b/a CHATTANOOGA FUNERAL :
 HOME-WEST CHAPEL, :
 SCI TENNESSEE FUNERAL SERVICES :
 INC., d/b/a FIKE FUNERAL HOME, :

SCI TENNESSEE FUNERAL SERVICES :
INC., f/d/b/a HOOPER FUNERAL :
HOMES, INC., :
WALLIS STEWART FUNERAL HOME :
SEQUATCHIE VALLEY MEMORIAL :
FUNERAL HOME & GARDENS, INC., :
TAYLOR FUNERAL HOME OF :
CHATTANOOGA, INC., :
THOMAS AND SON FUNERAL :
HOME, INC., :
TURNER FUNERAL HOME, INC., :
WALLIS-WILBANKS FUNERAL :
HOME, LLC, :
WANN FUNERAL HOME, INC., :
WILLIS FUNERAL HOME, INC., and :
W.L. WILSON & SONS FUNERAL :
HOME, INC., :
:
Defendants. :

THIRD AMENDED CLASS ACTION COMPLAINT

Come Now Plaintiffs and herewith Amend their Second Amended Class Action Complaint pursuant to Fed. R. Civ. P. 15 and pursuant to Order of this Honorable Court Granting Leave to Amend entered February 19, 2004, by renaming certain defendants, as follows:

1. Defendant "Covenant Funeral Service" shall be amended such that the correct party defendant is "Walter Crox, d/b/a Covenant Funeral Service."

2. Defendant “Foster & Lay Funeral Home” shall be amended such that the correct party defendant is “Robert Foster and Dean Lay, d/b/a Foster & Lay Funeral Home.”
3. Defendant “T. Ray Brent Marsh” shall be amended such that the correct party defendant is “T. Ray Brent Marsh, individually and f/d/b/a Tri-State Crematory.”
4. Defendant Clara C. Marsh, as Administratrix of the Estate of Tommy Ray Marsh” shall be amended such that the correct party defendant is “Clara C. Marsh, as Administratrix of the Estate of Tommy Ray Marsh, individually and f/d/b/a Tri-State Crematory.”

All other provisions of Plaintiffs’ Second Amended Complaint shall remain as previously set forth.



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Dated this 23 day of February, 2004.

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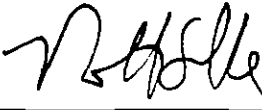
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Plaintiffs' Steering Committee

PROOF OF SERVICE BY MAIL

I hereby certify that a copy of the foregoing was served by postage prepaid United States mail on the 23 of February, 2004 addressed to those listed below:



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